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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/961,186

09/24/2001

Norio Numako

P21189

8219

7055

7590

01/16/2003

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EXAMINER

SMITH, ARTHUR A

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/961,186

Applicant(s)

NUMAKO, NORIO

Examiner

Arthur A Smith

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 6.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

In response to applicant's telephone inquiry regarding the last Office action, the following corrective action is taken.

The period for reply of 2 MONTHS set in said Office Action is restarted to begin with the mailing date of this letter.

A corrected copy of the last Office Action is enclosed.

#### ***Claim Objections***

Claims 11 and 12 are objected to because of the following informalities: It appears that there is a separate claim 12. Therefore, claim 12 should be started on new line and not appended to claim 11. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Koyama (USPN 6028714), supplied by applicant.

Koyama discloses a lens drive control apparatus for a camera having a zoom lens provided with a plurality of movable variable lens groups, ref. 1 and 4, for changing a focal length thereof, at least one of said variable lens groups comprising a switching lens group having two sub lens groups, wherein one of said two sub lens groups, ref. 2 and 3, serves as a movable sub lens group selectively moving in the optical axis

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direction with respect to the other sub lens group, col. 3 lines 46-61. Koyama also discloses that the lens drive control apparatus comprises: a main drive device for moving said plurality of variable lens groups along an optical axis thereof in accordance with a predetermined movement path between a short focal length extremity and a long focal length extremity and a sub lens group drive device for moving said movable sub lens group within said switching lens group so as to be positioned at one of a movement extremity on the object side and a movement extremity on the image side, with respect to said other sub lens group, in accordance with a corresponding zooming zone of a short focal length zooming zone from the short focal length extremity to an intermediate focal length position, and a long focal length zooming zone from said intermediate focal length to the long focal length extremity, col. 4 lines 20-49.

In reference to claims 2 and 3, Koyama discloses wherein said sub lens group drive device moves said movable sub lens group to one of said movement extremity on the object side and said movement extremity on the image side in accordance with said corresponding zooming zone when said main drive device moves said variable lens groups along the optical axis or when said main drive device is stopped, col. 4 line 66 - col. 5 line 8.

In reference to claim 4, Koyama discloses wherein said camera further comprises a photometering device and a distance measurement device; and said sub lens group drive device moves said movable sub lens group to one of said movement extremity on the object side and said movement extremity on the image side in

accordance with said corresponding zooming zone after one of said photometering device and said distance measurement device is performed, col. 4 lines 50-54.

In reference to claims 7, 8, 10 and 11, Koyama discloses wherein said camera further comprises a distance measurement device; and wherein said sub lens group drive device moves said movable sub lens group from said one of said movement extremity on the object side and said movement extremity on the image side, in accordance with said corresponding zooming zone, toward the other of said movement extremity on the object side and said movement extremity on the image side in order to carry out focusing based on a result of a distance measurement by said distance measurement device, col. 5 lines 9-17.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama (USPN 6028714), supplied by applicant.

Koyama discloses the limitation of the parent claims as shown above. Koyama does not disclose specifically wherein said camera further comprises a photometering device, a distance measurement device, a shutter device, a photometering/distance measuring switch for actuating said photometering device and said distance measurement device, and a release switch for actuating said shutter device; and

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wherein said sub lens group drive device moves said movable sub lens group to one of said movement extremity on the object side and said movement extremity on the image side in accordance with said corresponding zooming zone after one of said photometering device and said distance measurement device is performed upon operation of said photometering/distance measuring switch regardless of whether said release switch has been operated. However, Koyama does disclose the use of a photometering device to determine the movement of the sub lens group. A release switch for actuating a shutter device is inherent in a camera. It would have been obvious to one of ordinary skill in the art to realize that the movement of the lens would be preferentially done before the pressing of the release switch. This would be done to allow the photograph to be taken at a shorter time. If a photographer had to wait for the sub lens to be moved after the pressing of the release switch a photographic opportunity could be lost.

***Allowable Subject Matter***

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The examiner is unable to find any pertinent prior art of record that teaches the limitations of the parent claim along with, an actuator ring, which is engageable with one of said two sub lens barrels, including two engagement portions and cam surfaces formed between said two engagement portions, wherein said actuator ring rotates said

one sub lens barrel of said two sub lens barrels between two rotational extremities thereof, and moves said one sub lens barrel in the optical axis direction; a retaining ring including a guide portion which only allows linear movement in the optical axis direction of said one sub lens barrel at each said two rotational extremities, wherein the rotational movement range of said one sub lens barrel is restricted by said two rotational movement extremities; and a motor for rotating said actuator ring forwardly and reversely; wherein after said actuator ring is rotationally driven in a first direction by said motor so that a switching operation of said one sub lens barrel from one to the other of said two rotational movement extremities is performed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sato et al. (USPN 5126883) discloses a telephoto lens for a camera with movable lens groups.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (703) 605 1228. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308 2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9318 for regular communications and (703) 872 9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

AAS  
January 9, 2003

  
ANDREW ADAMS  
SENIOR PATENT EXAMINER  
TECHNOLOGY CENTER 2800